REMARKS

Claims 1 - 14, 16 and 29-32 are pending in the application. Claim 1 has been added by the

amendments above to recite the features of its dependent claim 15, and claim 15 has

therefore been cancelled without prejudice or disclaimer. Claims 17 - 28, previously

withdrawn from consideration in view of the restriction requirement previously entered by

the Examiner, are cancelled above without prejudice or disclaimer, to put the application in

condition for allowance. Claims 31 and 32 are added by the amendments above. Claim 31

is dependent from claim 10 and recites the same carbon black definition as amended claim

1. Accordingly, no new matter is presented by claim 31, and it is properly included in the

group of claims under consideration. Claim 32 is dependent from claim 12 and recites the

same carbon black definition as amended claim 1. Accordingly, no new matter is

presented by claim 32, and it is properly included in the group of claims under

consideration.

In view of the forgoing amendments and the following remarks, Applicants respectfully

request withdrawal of all claim rejections and allowance of all claims under consideration

in the application.

Claims 1 – 16 and 29 – 30 Meet the Requirements of 37 C.F.R. § 112

Claims 1 - 16 and 29 - 30 stand rejected under § 112, second paragraph, as being

indefinite for not providing units for the properties BET and CDBP. Applicants

respectfully traverse the rejection.

Response to Office Action U.S. Application No. 10/010,764 Page 7 of 10 Applicants' claims are not indefinite because the units for the properties BET and CDBP

would be readily apparent to the person of ordinary skill in the art. In addition, the units

for BET and CDBP can be found in the specification at least at page 5, paragraph 16.

Thus, the subject claims are definite and, accordingly, Applicants request that the

Examiner withdraw the rejection.

Claims 1 - 16 and 29 - 30 Are Patentable Over Laube et al

Claims 1 – 16 and 29 – 30 are rejected under 35 U.S.C. § 102(e) and in the alternative

under 35 U.S.C. § 103(a) over Laube et al. The Applicants respectfully traverse the

rejection.

Claim 1 is patentable over Laube et al. because Laube et al. fails to disclose, teach or

suggest an elastomer composite comprising an elastomer and particulate filler dispersed in

the elastomer, the particulate filler comprising at least one carbon black having structure

and surface area values meeting the equation CDBP  $\leq$  (BET  $\div$  2.9) – X, wherein X is about

5. As amended, the claims define an elastomer composite comprising at least one carbon

black different from any disclosed, taught or suggested by Laube et al. In particular, Laube

et al. does not disclose, teach or suggest elastomer comprising carbon black having

structure and surface area values meeting the equation CDBP  $\leq$  (BET  $\div$  2.9) – X, wherein

X is about 5.

As amended, the subject claims define elastomer composite comprising carbon black in a

region of CDBP and BET values that does not overlap the carbon blacks of Laube et al.

For example, as amended the subject claims do not cover BP880. Laube et al. does not

discuss CDBP values or its relationship to BET values, and it is fair to say that Laube et al.

was simply blind to the possibility of the elastomer composites of the subject claims,

consistent with the traditional commercial avoidance of carbon blacks (for use in elastomer

composites) with such high surface areas and low structure.

The high surface area, low structure carbon blacks of the claimed elastomer composite are

found to provide excellent physical properties or performance characteristics, but were

traditionally avoided for elastomer composites for being too difficult to incorporate

effectively into elastomer. As stated in the specification, there has been a long felt need in

industry for elastomer composites having the improved properties:

While a wide range of performance characteristics can be achieved employing currently

available materials and manufacturing techniques, there has been a long standing need in

the industry to develop elastomeric compositions having improved properties, especially

elastomer compositions that can be produced effectively and economically.

Specification, Paragraph [0002]. It is significant, therefore, that such excellent physical

properties and performance characteristics are achievable with exemplary embodiments of

the elastomer composites of the subject claims. The present specification discusses such

physical properties and performance characteristics in considerable detail. See, for

example, the discussion of tear strength at paragraph [0019] et seq. and the discussion of

Shore A hardness, tensile strength and elongation at paragraph [0030] et seq., and the

discussion of abrasion resistance at paragraph [0035] et seq.

Response to Office Action U.S. Application No. 10/010,764 Page 9 of 10 For the forgoing reasons claim 1 is patentable over Laube et al. Claims 2-14, 16 and 29-30

depend from claim 1, either directly or indirectly, and are patentable over Laube et al. for

at least the same reasons set forth above. Accordingly, applicants request withdrawal of

the rejection.

Claims 31 and 32 are Patentable Over the Art of Record

Claims 31 and 32, newly presented above, are patentable over all art of record. In

particular, claims 31 and 32 depend indirectly from claim 1 and are patentable over Laube

et al. for at least the same reasons set forth above.

Conclusion

In view of the foregoing remarks, Applicants request allowance of claims 1 - 14, 16 and

29 - 32.

Respectfully submitted,

Wang et al.

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Date

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